

USPTO Serial Number: 10/783,169
Pannell et al.
Preliminary Amendment

REMARKS

Applicants have canceled the features in the claims which are the substance of the Examiner's objection to the drawings. The objection to the drawings is believed to be overcome.

The Office Action rejects claims 1, 4-9, 12, 13, 16-19 under 35 U.S.C. 102(b) as being anticipated by Smagac et al. (5,165,482). Applicants have amended claim 1 to more clearly distinguish over the prior art reference. Claim 1, as amended, recites a chemical distribution system. The system comprises a first portion of tubing, having a pressure rating of at least 60 pounds-per-square-inch (PSI), affixed along an exterior surface of a dwelling. A second portion of tubing is affixed along structures external to the dwelling, the second portion of the tubing being connected to the first portion of tubing. A plurality of outlets is coupled to the first and second portions of tubing for dispensing a chemical solution. A hand-operated disconnect fitting has a first end coupled for receiving the chemical solution, a lever-arm for rotation, and a second end coupled to the first or second portions of tubing. The hand-operated disconnect fitting readily disengages a portable storage tank (truck) holding the chemical solution.

The Smagac reference does not teach or suggest a chemical distribution system for a chemical solution having a hand-operated, quick disconnect fitting which readily disengages a portable storage tank holding the chemical solution, such as a delivery truck. The Smagac reference teaches a distribution system for delivering water or water-based fire retardant material. Smagac does teach a system where potentially hazardous chemicals are applied, as many features of the Smagac delivery system are permanent to the system and not removable.

USPTO Serial Number: 10/783,169
Pannell et al.
Preliminary Amendment

The Smagac reference teaches a holding tank (7) coupled to a pressure tank (9) with recovery pipes. Sprinklers (15, 17) are coupled to the pressure tank via supply pipes (18-20, 24). The supply pipes are not connectors for purposes of the present application. The supply pipes simply couple the sprinklers to the pressure tank. The recovery pipes couple the holding tank with the pressure tank. The recovery pipes permanently connect the holding tank with the pressure tank. The supply pipes permanently connect the sprinklers to the pressure tank. Smagac does not teach a connector which is adapted to allow a source of chemical solution to readily disconnect from the system.

In contrast, Applicants use a distribution system which teaches a truck carrying the chemical solution quickly connecting to the distribution system, applying the chemical solution having properties of killing living organisms using the system, and disconnecting from the system. The structural features of the distribution system are such that they must comply with state and federal regulations concerning potentially hazardous chemical solutions which are passed through the system.

A delivery truck having a portable tank holding the chemical accesses the distribution through the connector, which can swivel upwards to receive a hose from the distribution truck. The connector has a hand-operated quick disconnect mechanism to allow the truck to quickly engage the distribution system. Once the chemical has been applied using the system, the truck can quickly disengage from the system. The Smagac reference could not possibly anticipate such a system. The Smagac reference teaches away from such a system. Holding tank (7) and pressure tank (9) are intended to be a permanent fixture to the Smagac system. Again, in contrast, in the current

USPTO Serial Number: 10/783,169
Pannell et al.
Preliminary Amendment

application it is likely infeasible for such a storage tank containing hazardous chemicals to be permanently affixed to a distribution system as taught by Smagac.

Claim 1 is believed to patentably distinguish over the Smagac reference. Claims 2, 4-7 and 9 are believed to be in condition for allowance as each is dependent from an allowable base claim. Applicants have canceled claims 3, 8, 10 and 11.

Applicants have amended claim 12 to help distinguish over the prior art reference. Claim 12, as amended, recites a fixed chemical application system. The system comprises a tubing fixed to an exterior surface having a pressure rating of at least 60 pounds-per-square-inch (PSI). A plurality of outlets are inserted into the tubing for dispensing a chemical solution having properties of killing living organisms. A hand-operated disconnect fitting has a first end coupled for receiving the chemical solution and a second end coupled to the tubing. The fitting readily disengages a portable storage tank holding the chemical solution.

Claim 12 is believed to patentably distinguish over the Smagac reference. Again, Smagac does not teach or suggest a hand-operated disconnect fitting which allows the connector and associated tubing to quickly disengage from the portable tank. Claims 13-14 and 16-18 are believed to be in condition for allowance as each is dependent from an allowable base claim. Applicants have canceled claims 15 and 19.

The Office Action rejects claims 2, 3, 14, 15 under 35 U.S.C. 103(a) as being unpatentable over Smagac et al. (5,165,482) in view of Valiant (4,175,703). Again, Applicants have canceled claims 3 and 15. Claims 2 and 14 are believed to be in condition for allowance as each is dependent from an allowable base claim.

USPTO Serial Number: 10/783,169
Pannell et al.
Preliminary Amendment

The Office Action rejects claim 10 under 35 U.S.C. 103(a) as being unpatentable over Smagac et al. (5,165,482). Applicants have canceled claim 10. The rejection is rendered moot.

The Office Action rejects claim 11 under 35 U.S.C. 103(a) as being unpatentable over Smagac et al. (5,165,482) in view of Coles (1,235,657). Applicants have canceled claim 11, again rendering the rejection moot.

Applicants have added new claims 38-45. New independent claim 38 is drawn to a chemical application system supplied by a delivery vehicle. The system includes a tubing affixed to an exterior surface including a plurality of integrated apertures for disbursing a chemical solution having properties of killing living organisms. The tubing has a pressure rating greater than 60 pounds-per-square-inch (PSI). A hand-operated disconnect fitting is coupled to the tubing for receiving the chemical solution. The fitting is operable to readily disengage the delivery vehicle.

New independent claim 43 is drawn to a chemical application system supplied by a delivery vehicle. The system includes a tubing affixed to an exterior surface having a plurality of apertures for disbursing a chemical solution. A hand-operated disconnect fitting is coupled to the tubing for receiving the chemical solution. The fitting is operable to readily disengage the delivery vehicle.

New dependent claims 39-42 and 44-45 are believed to be in condition for allowance as each depends from an allowable base claim.

Applicants believe that all information and requirements for the application have been provided to the USPTO. If there are matters that can be discussed by telephone to further the

USPTO Serial Number: 10/783,169
Pannell et al.
Preliminary Amendment

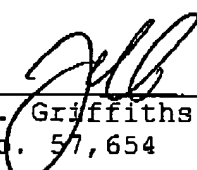
prosecution of the Application, Applicants invite the Examiner to call the undersigned attorney at the Examiner's convenience.

The Commissioner is hereby authorized to charge any fees due with this Response to U.S. PTO Account No. 17-0055.

Respectfully submitted,
QUARLES & BRADY STREICH LANG LLP

February 1, 2006

By: _____


John A. Griffiths
Reg. No. 57,654

Address all correspondence to:
John A. Griffiths
Quarles & Brady Streich Lang LLP
One Renaissance Square
Two North Central Avenue
Phoenix, AZ 85004
Telephone: (602) 229-5247
Facsimile: (602) 229-5690
Email: jgriffit@quarles.com